

Congress of the United States

Washington, DC 20515

For Immediate Release

January 29, 2004

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REPS. WAXMAN AND MATSUI ISSUE LETTER TO PRESIDENT BUSH ON CASE BEFORE THE U.N.'S INTERNATIONAL COURT OF JUSTICE ON THE ISRAELI SECURITY FENCE

WASHINGTON, D.C. —Rep. Henry A. Waxman (CA-30) and Rep. Robert T. Matsui (CA-05), co-chairs of the Democratic Israel Working Group, today sent a letter to President Bush urging him to intervene on behalf of Israel in the United Nations' International Court of Justice (ICJ) deliberations regarding the security fence being constructed between Israeli and Palestinian areas.

The letter calls on the Bush Administration to make a case to the ICJ that not only challenges the inappropriateness of the hearing, but also emphasizes the necessity of the security fence and Israel's right to defend itself from the ongoing threat of terrorism. It expresses concern that the Administration has sent mixed messages with so many negative comments about the fence's construction.

"The ICJ case is a political attempt to delegitimize Israel and divert attention from Palestinian terrorism," said Rep. Waxman. "If the Palestinian leadership truly wanted to see an end to the fence it would take action to put an end to terrorism. It is essential that the Administration emphasize this message and preserve the peace process as the forum for resolving this contentious issue."

"The ICJ has no jurisdiction over this issue and the case sets a negative precedent for other countries that must take measures to protect themselves from terrorism," Rep. Matsui said. "Israel is our closest ally in the Middle East and the President must send a strong message that a biased ruling against the fence would compromise the integrity of the court, undermine the UN role in the peace process, and undercut the security and stability of Israel."

The case was brought to the court by a Palestinian resolution in the U.N. General Assembly calling for an ICJ ruling on the legality of the security fence. It has been challenged by Israel as a violation of Article 36 of the ICJ Statute, which limits the court's jurisdiction over cases that do not have the consent of all parties to submit to ICJ mediation.

The letter also calls for a review of sections of the Annual State Department Human Rights Report that discuss the West Bank security fence. With the report scheduled to be released at the same time as the ICJ's decision in March, the members expressed concern that the language and context take into account the diplomatic debate at the court and the UN.

Thirty-six other members of Congress signed onto the letter. A copy of the letter is attached.

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